

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, March 30, 2005, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Jon Carlson, Gene Carroll, Roger Larson, Gerry Krieser, Dan Marvin, Melinda Pearson, Mary Bills-Strand, Lynn Sunderman and Tommy Taylor; Ray Hill, Mike DeKalb, Brian Will, Becky Horner, Tom Cajka, Greg Czaplewski, David Cary, Jean Walker and Teresa McKinstry of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Meeting

Chair Mary Bills-Strand called the meeting to order and requested a motion approving the minutes for the regular meeting held March 16, 2005. Motion for approval made by Carroll, seconded by Krieser and carried 8-0: Carroll, Krieser, Larson, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'; Carlson absent.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

March 30, 2005

Members present: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Bills-Strand, Sunderman and Taylor.

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 05012; CHANGE OF ZONE NO. 05018; SPECIAL PERMIT NO. 05011, VINTAGE HILLS ADDITION COMMUNITY UNIT PLAN; SPECIAL PERMIT NO. 05013; COUNTY SPECIAL PERMIT NO. 05010, TIEDEMAN ACRES COMMUNITY UNIT PLAN; COUNTY PRELIMINARY PLAT NO. 05002, TIEDEMAN ACRES, and MISCELLANEOUS NO. 05005.**

Item No. 1.1, Special Permit No. 05012; Item No. 1.4a, County Special Permit No. 05010; and Item No. 1.4b, County Preliminary Plat No. 05002, were removed from the Consent Agenda and scheduled for separate public hearing.

Taylor moved to approve the remaining Consent Agenda, seconded by Marvin and carried

9-0: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'.

Note: This is final action on Special Permit No. 05011, Vintage Hills Addition Community Unit Plan, and Special Permit No. 05013, unless appealed to the City Council within 14 days.

COUNTY SPECIAL PERMIT NO. 05010,
TIEDEMAN ACRES COMMUNITY UNIT PLAN,
and
COUNTY PRELIMINARY PLAT NO. 05002,
TIEDEMAN ACRES,
ON PROPERTY GENERALLY LOCATED
AT S. 25TH STREET AND ROCA ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 30, 2005

Members present: Carlson, Sunderman, Marvin, Pearson, Carroll, Krieser, Larson, Taylor and Bills-Strand.

Staff recommendation: Conditional Approval.

Ex Parte Communications: None.

These applications were removed from the Consent Agenda due to a letter received in opposition.

Mike DeKalb of Planning staff submitted an e-mail communication from Clyde Naber in opposition with concerns about taking ag land out of production, the impact on any livestock production located close to the area and increased traffic on a gravel road.

Proponents

1. Brian Carstens appeared on behalf of **Bruce and Karen Tiedeman**, and presented the proposed AG community unit plan just south of 25th Street and Roca Road. This is a proposal for fourteen 3-acre lots with private roadways, Lancaster County rural water, with everyone having their own septic systems.

Carstens requested to delete Condition #1.9 on both the community unit plan and preliminary plat, which requires the extension of Krauter Place to the east. Carstens advised that there was a floodplain easement granted to the City and County a few years ago and there will never be in any development in that area.

In response to the opposition, Carstens stated that he believes the Tiedemans are making good organized use of this property.

2. A representative of NPPD, 1414 15th Street, Columbus, testified to advise that there is a railroad area on the south border of this property, which is inactive today, but there is always a chance that the railroad may be activated in the future.

There was no testimony in opposition.

Mike DeKalb of Planning staff agreed that Condition #1.9 could be deleted. He checked the language of the conservation easement, and the easement is so close that there is really no room for additional lots there.

COUNTY SPECIAL PERMIT NO. 05010

ACTION BY PLANNING COMMISSION:

March 30, 2005

Carroll moved to approve the staff recommendation of conditional approval, with amendment deleting Condition #1.9, seconded by Krieser and carried 9-0: Carlson, Sunderman, Marvin, Person, Carroll, Krieser, Larson, Taylor and Bills-Strand voting 'yes'. This is a recommendation to the Lancaster County Board.

COUNTY PRELIMINARY PLAT NO. 05002

ACTION BY PLANNING COMMISSION:

March 30, 2005

Carroll moved to approve the staff recommendation of conditional approval, with amendment deleting Condition #1.9, seconded by Krieser and carried 9-0: Carlson, Sunderman, Marvin, Person, Carroll, Krieser, Larson, Taylor and Bills-Strand voting 'yes'. This is a recommendation to the Lancaster County Board.

SPECIAL PERMIT NO. 05012

FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES

FOR CONSUMPTION ON THE PREMISES

AT 2801 PINE LAKE ROAD.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 30, 2005

Members present: Carlson, Sunderman, Marvin, Pearson, Carroll, Krieser, Larson, Taylor and Bills-Strand.

Staff recommendation: Conditional Approval.

Ex Parte Communications: None.

This application was removed from the Consent Agenda at the request of the applicant.

Proponents

1. Rick Herman of Noodles & Co., the applicant, expressed concerns about the requirement to eliminate two parking spaces (Condition #2.1.1.1) that are designated as “to go” parking spaces in front of this location. He requested that this condition be deleted because Noodles & Co. has an agreement with the landlord that they would provide two exclusive spaces for the carry out items. They have fulfilled the requirements with the landlord by allotting the number of spaces required for the beer and wine license. They have 33 spaces, and they want to designate two of them for carry-out. There are an additional 259 spaces that are cross-over parking, but those are separate from the 33 that have been designated as part of the parking for this permit. The Public Works Department states that it will not support designation of parking stalls in a joint tenant use other than that required of ADA.

Carlson confirmed that the applicant has an agreement with the landlord that those two parking spaces will be provided to function in that manner. Herman concurred. He even sent a copy of the lease agreement to Public Works. Herman believes the confusion is that it is called a “cross parking agreement” which requires a written agreement between the city and all parties. The fact is that the cross-over parking is for all of the extra spaces to the north in the parking area. Each of the tenants have their own spaces.

There was no testimony in opposition.

If the tenant has an agreement with the landlord for “to go” spaces, Carlson wondered whether the city even cares about that agreement. Brian Will of Planning staff clarified that one of the conditions for the special permit requires the provision of off-street parking. This applicant has the required off-street parking. The application showed a designation for two spaces specifically for “to go” parking. Public Works noted that they probably should not have included that because it is not germane to the special permit. You cannot do that in a joint parking lot unless it is by prior agreement and we do not have that agreement. Carlson suggested that the applicant could remove the “to-go” designations from the permit, and the private parties can use them that way if they want to. Will stated that each one of the tenants has to demonstrate that they have the required parking. When you start designating specific spaces the city wants to assure that there are enough remaining parking spaces that are not specifically designated. Dennis Bartels of Public Works suggested that Public Works was just pointing out the requirements of the code. The code requires the parking agreement with the city. Taking away some joint parking and assigning it to a specific business is a legal question. Bartels believes the applicant would be safe in having these deleted from their site plan. Whatever arrangement they work out with the landlord is not really germane to the special permit and they need to deal with that separately.

Taylor wanted assurance that anything “to go” will not allow off-sale of alcoholic beverages. Will pointed out that this special permit authorizes only on-sale alcoholic. There is no off-sale authorized by this special permit.

ACTION BY PLANNING COMMISSION:

March 30, 2005

Carroll moved approval of the staff recommendation, seconded by Carlson and carried 9-0: Carlson, Sunderman, Marvin, Person, Carroll, Krieser, Larson, Taylor and Bills-Strand voting ‘yes’. This is final action, unless appealed to the City Council within 14 days.

CHANGE OF ZONE NO. 05021
FROM R-6, R-5 and R-4 RESIDENTIAL
AND B-3 COMMERCIAL TO
R-5, R-4 AND R-2 RESIDENTIAL
ON PROPERTY GENERALLY LOCATED
BETWEEN CLEVELAND AVENUE AND
HUNTINGTON AVENUE FROM 46TH TO 47TH STREET;
BETWEEN MADISON AVENUE AND ADAMS STREET FROM 49TH TO 56TH STREETS;
AND BETWEEN GARLAND STREET AND
HUNTINGTON AVENUE FROM 48TH TO 56TH STREETS.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 30, 2005

Members present: Carlson, Sunderman, Marvin, Pearson, Carroll, Krieser, Larson, Taylor and Bills-Strand.

Staff recommendation: Approval.

Ex Parte Communications: None.

Greg Czaplewski of Planning staff submitted three letters in opposition, and a list submitted by the applicant identifying 69 petitions returned in support and one returned in opposition.

Proponents

1. **Larry Zink**, 4926 Leighton Avenue, the immediate past president and member of the Board of the University Place Community Organization (UPCO), presented the application to downzone targeted areas in the University Place neighborhood. This is one of several recommendations for revitalizing this neighborhood in the North 48th Street University Place Redevelopment Plan which has been adopted as a subarea plan in the Comprehensive Plan. The study was a year-long cooperative effort looking at traffic, parking, business district redevelopment and neighborhood revitalization. There were several partners involved including UPCO, the University Place Business Association, Nebraska Wesleyan University,

UNL east campus, the Urban Development Department and the Public Works & Utilities Department. There were a number of opportunities and encouragement for public input and several public meetings were held.

Zink explained that one of the major concerns that came out of this study was a sense of deterioration of the quality of the neighborhood and disinvestment from owner occupants in the neighborhood. The cause is the increased density of multi-family dwelling units and the traffic, parking, noise and crime associated with the density. This downzone is an alternative vision to the continued deterioration of the neighborhood, emphasizing the quality and security as a place to own a home. The goals of the subarea plan included that 1) University Place homeowner investments should be viewed as financially secure and the current level of uncertainty should be reduced; 2) University Place should be seen as an increasingly attractive residential setting for staff and faculty of Wesleyan and East Campus; and 3) the level of owner occupancy in the neighborhood should be increased. To accomplish these goals was a policy of focused downzoning to implement the strategy based on the character and owner occupancy status of each block face. The subarea plan included specific recommendations for this rezoning.

Zink stated that after completing the neighborhood planning process, UPCO is now here to seek support to continue the process of this subarea plan and the actual implementation of the plan, which includes the recommendation for this downzone application. The downzone boundaries follow exactly those outlined in the subarea plan. This is not a request for a blanket rezoning, but a targeted rezoning with areas identified in the plan that are predominantly single family homes. Following the adoption of the subarea plan, there was an extensive public process with all of the property owners in the neighborhood and public meetings were held. The overwhelming response has been positive with 69 petitions in support from homeowners in the targeted area, representing over 30% of the owners in this area.

Carroll referred to the brand new multi-family structures on Cleveland and 56th and inquired as to the reason to change the zoning to R-4 when they are clearly going to stay there and will become nonstandard because of this change. Zink responded that there are some areas that are not currently multi-family and the hope is that they will not become multi-family.

Bills-Strand referred to the letters in opposition from the owners on 51st and Walker, which is proposed to be changed from R-6 to R-2. The owner wants to stay with the original R-6 zoning. She wondered whether the applicant would consider moving that line over one more block and allow them to be R-5. Zink believes that area is in the Creighton Historic District and one of the thrusts of this downzone is to try to preserve the buildings in the historic districts. They do not want the homeowners to stop investing in the neighborhood. UPCO is not opposed to rentals but they had specifically gone through the process with the consultant and identified the predominant single family homes. He does not know where you draw the

line. They wish to preserve at least some of the areas as single family. **2. Laurie Hodges**, 5318 Madison Avenue, on the north side of Nebraska Wesleyan, testified in support. She moved to University Place because she works on East Campus and she wanted to live within 2-3 miles of where she works. She saw a grocery store, drug store, dry cleaners, public pool, two University libraries and a public library all in that neighborhood. It is a fantastic neighborhood. She wanted to live in a mixed neighborhood with people walking and jogging in the neighborhood. She is very supportive of this effort in terms of a larger area of adjusting the zoning to reflect more diversity of uses. It is a University community. Part of the quality of life in the neighborhood is really the mixture of permanent residents that are raising families; it is affordable housing. With regard to 51st & Walker, she noted that the sidewalks are in deplorable condition and many of the homes that are rentals do not have good maintenance at all.

3. Larry McClain, 5403 Walker, testified in support. He has lived in the neighborhood for 10 years, and in those 10 years the neighborhood has declined. When they moved to the neighborhood it was a healthy mix of owner occupied houses and renters, and over time the healthy mix has turned into a predominance of ever changing renters, and they have seen four different families sell their homes and move away because of the trash, the traffic congestion, parking problems, etc. Houses are going from owner occupied families to rentals, and the fear is that the balance is going to shift and as more and more renters come to the neighborhood, those houses are going to be turned into duplexes and apartment complexes. The neighborhood cannot withstand that. It no longer feels like a neighborhood but a dense conglomeration of people who don't seem to display much sense of responsibility to the neighborhood. The community organization has done a good job of reaching out to the residents; this is a grass roots effort; it has the support of all of his neighbors. This proposal for downzoning is the next logical step to help preserve what makes the neighborhood so wonderful.

Opposition

1. Chuck Earley testified in opposition. He is the owner of the house at 4946 Garland, the seven-plex at 5036 Garland and 221 N. 51st. He requested that his properties be removed from this application. He believes the request to change his properties to R-2 is totally unfair to his family and he stands to suffer because of it. Four of the five people along Garland from 49th to 51st did sign the petition in opposition. And the one that did not sign said he did not care. There is a park across Garland from his apartment so there are no houses across the street. This property was recently built and is governed by newer codes. The problem with the downzone is that he would not be able to rebuild in the event of a catastrophe except to a duplex. He thinks this is a gamble with his family's financial future. He was not asked to

participate in this application or to help in its development, yet he and his family are as much in the neighborhood as anyone living there. These buildings are his retirement plan and to help put his two sons through college. This downzoning will put his livelihood in jeopardy. He was not aware of this downzone request until February 2, 2005.

Earley stated that he plans to rent the house at 4946 Garland until his son graduates from UNL in construction management, when he will build a high quality apartment. Had he known about the downzoning when he purchased 4946 Garland, he may have bought it but would not have given the asking price for it. The neighbor to the west has flip-flopped on their support and opposition to this proposal.

2. Nancy Earley also testified in opposition as the owner of three properties in the area proposed to be changed from R-5 to R-2, located at 4946 Garland (a house which is on 1.5 lots purchased in 2004); 5036 Garland (three-plex townhouse apartment built in 2000); and 221 N. 51st is a 4-plex built in 2001. The Earleys oppose the downzoning of their properties. These are family-owned and built properties, operated with pride. They have chosen this location and have invested their life savings in this neighborhood. Downzoning will hinder any improvements in the neighborhood. They have helped clean up the neighborhood. Their properties have enhanced the neighborhood and are well-maintained. The Earleys are at the properties each day. What will happen if a disaster occurs? If this downzone is in place and there was a disaster where 60% or more of the apartment building was destroyed, they would lose the income from the rentals and would not be able to rebuild the apartments. Their only option would be to build duplexes. Only two houses in the 4900 block of Garland are on the petition to be downzoned (4926 and 4946). Both of the owners of these two houses object to the downzoning. She finds it odd that this proposed downzoning in the 4900 block of Garland includes only these two houses and not the apartment on the remainder of the lot. The Earleys object because the downzoning will depreciate their property. These properties are a huge part of their family's life and they do not want to have to lose everything upon which they have worked so hard. They are very committed to this neighborhood.

Carroll asked what type of structures are to the west of 5036 Garland. Ms. Earley stated that it is a single family home. The rest of the block is all single family homes which she believes may have been built in the late 1960's. The two homes they bought were 40-year-old homes that they moved.

3. Mark Hunzeker appeared on behalf of Jay Peters, who owns the house at 5342 Madison, located in the half block abutting the Wesleyan campus. The pattern that is created by virtually everything that is being shown is connecting points with all of these districts. The proposal for the Peters property is from R-6 to R-2, which leaves a half block spot of R-2, which would be surrounded by R-6 and R-4. Hunzeker proposed that the Peters property become R-4 instead

of R-2. At least at that point there would be some option for either conversion or construction of a duplex. Hunzeker believes that the consistency of the mapping in this situation would indicate that R-4 would be appropriate as opposed to R-2.

Pearson noted that one of the purported purposes of this change of zone is to preserve historic homes, so she wondered what was on the block where the Peters property is located. Hunzeker indicated that he received rather late notice of this and he does not know what else is on the block, but he believes it is probably predominantly single family. There are a number of rental properties in the area just by virtue of being located across the street from campus.

Staff questions

Pearson referred to 5342 Madison and asked why it is being changed from R-6 to R-2. Czaplewski did not have an answer. This would be a question for the applicant.

Carroll inquired as to the staff position for the property at the corner of 56th & Cleveland where multi-plexes are being changed from R-6 to R-5. Czaplewski stated that there is an 18-plex and a 10-plex there that are both currently nonstandard under R-6, and will continue to be nonstandard under R-5, so this zoning change should not affect them because they will have to meet the same setbacks either way. This change of zone results in 48 nonstandards and they are really spread out quite a bit. The difficulty with this application is that it is not a blanket downzone so he could not talk about the affect in general terms. Most of the difficulty for reconstruction occurs when the zoning changes to R-2 because the setbacks are greater.

Carlson suggested that excepting an apartment building on the block from a change of R-6 to R-2 is not legally a spot zone because there is no economic advantage by an upzone. Haven't we done that successfully in the past – leave a parcel out? Rick Peo of the City Law Department stated that spot zoning in and of itself is not illegal, only if it is solely for the benefit of the private property owner. In a lot of these situations, we would look at what was left over. It sometimes falls within the concept of the desires in the Comprehensive Plan for increased density in some areas. When we are doing downzoning we have been more liberal in leaving out parcels where the property owner is opposed on a case-by-case basis.

Taylor wondered whether the Commission has all of the necessary information as far as the historical aspect of the area is concerned. Rick Peo suggested that properties that are designated to be in a historic district have some protection already in that any demolition or changes of the structure have to go through a review process. The owner is not prohibited from demolishing the building, but there is a time delay to work out a way to preserve it. Downzoning helps preserve the building by discouraging demolition because it cannot be rebuilt to the same standards.

Bills-Strand referred to the historic area at 51st and Walker. Ed Zimmer of Planning staff stated that there is a landmark district, which is also on the National Register of Historic

Places, on Walker and Leighton that extends to 49th on the west side on Walker and begins at about 50th on Leighton, and extends over to about 53rd or 54th. 5200 Walker would be in the local landmark district and would be listed on the National Register of Historic Places. If we're looking at the R-2 block on Madison, it is all single family and it didn't seem large enough for a historic district by itself. It has a strong character but it does not have a historic designation. It is one that has been requested or considered many times in the past, but it does not have a specific designation. Garland is south of the historic district.

Czaplewski offered that Block 98 is 51st & Walker with a three-plex, duplex, single family, five-plex and then duplex on the next corner.

Czaplewski responded to the existing precedent that Earley referred to where we have individual lots that may be zoned R-5 and R-6 in the middle of R-4 area. Czaplewski did not know whether the individual lots were left out of the previous downzone, but that is not something the Planning Department would want to encourage anymore. If the Commission wishes to exclude the Earley properties, the staff position would be to remove the entire strip, leaving the entire block R-5 rather than just the Earley properties.

Bills-Strand inquired about the Earley 3-plex and 4-plex that occupy the same lot. What if the buildings were destroyed beyond 60%? Czaplewski explained that the nonconforming use provisions would allow him to keep the second building if it was not destroyed.

Carlson referred to the Earley property to the east on Garland. Other than creating the zig-zaggy zoning line, is there any other reason to not remove the Earley property from the change of zone? Czaplewski stated that the staff would prefer that zoning district lines break at the street or at an alley at the rear of the property. Carlson suggested that beyond the zoning map is the philosophy that we want to have uses contiguous to each other. That is not the situation here. Preserving a straight line does not promote the philosophy. Other than just the fact that the line is straight, what is the philosophy? Why is it important that the line follow the street face and not break in the middle of the block? Czaplewski suggested that we don't want to create additional islands of higher density zoning in a lower density area. Leaving one spot of R-5 in the middle of R-2 would be contradictory to the recent policies.

Carroll referred to the R-6 to R-2 on Madison. What is the staff opinion on changing it to R-4 rather than R-2. Czaplewski did not know why the applicant chose R-2. If the applicant would agree to R-4, the staff would support it.

Response by the Applicant

Zink explained that the process of selecting the targeted downzoning was an analysis block face by block face. They were characterized as either owner occupancy; single family; mixed use but still owner predominant; mixed use rental dominant; or rental multi-family. The block

in question on Madison was characterized as predominantly owner occupied single family housing, plus it was noted that it has a number of historical characteristics. That is the reason for the proposed R-2 zoning.

Likewise, looking at the historic district along Leighton and Walker, Zink explained that the analysis was that those blocks are still predominantly single family home blocks, plus they are historic neighborhood blocks. Therefore, the proposal to downzone to R-2 is to be able to maintain the characteristics.

Zink then responded regarding the Earley properties. UPCO is not trying to reverse history. The 7-plex is there and this does not change that. While he understands the family's concern, it is also important that the people surrounding it felt they were adversely impacted by a change from single family to a 7-plex.

Zink stated that he did talk to a number of people in the area and he has the signature of Patricia Erks in support. Two other people in the area between the two Earley properties are supportive. The other 16-17 names in general are property owners in the adjacent area who have signed the petition in support. There is a real concern about where to draw the line in terms of more and more apartments.

Zink would not have a problem if they could find a way to maintain the zoning on the 7-plex owned by the Earleys, but he would oppose not downzoning the area one block west because it is still a single family home.

Zink summarized, stating that this has been a long process; there has been a lot of opportunity for public input; there are 69 home owners who have signed petitions in support; there were big signs on 48th Street throughout the process when there were public meetings. He believes they have done their best effort to inform the property owners.

Taylor asked Zink to explain the effect in relationship to the surrounding property owners if the 7-plex is not downzoned. Zink believes that the damage has already been done so he does not believe it would be too negative to change the one, but if all of Garland is zoned R-5, he would say that within 3-4 years most of the single family homes will be gone and become apartments, or they will be rental units. That is the trend and that is what this zoning is attempting to stop.

Bills-Strand pointed out that some of the people on Mr. Zink's list are renters as opposed to owner occupants.

ACTION BY PLANNING COMMISSION:

March 30, 2005

Main Motion: Carlson moved approval, seconded by Pearson.

Marvin reminded everyone that the Planning Commission passed the N. 48th Street plan, and when we passed it they said they would come back with a downzoning plan that would be different than what we have done in the past. The Planning Commission supported that process and Marvin believes it behooves the Commission to support the process now because that is what we were told was going to happen to protect the neighborhood and the property owners. That plan had neighborhood and Wesleyan support.

Motion to Amend #1: Carroll moved to amend to exclude the half block between 51st and 49th on north side of Garland from the change of zone request, maintaining the R-5 zoning; and that the half block on Madison Avenue be changed from R-6 to R-4 (instead of R-2), seconded by Taylor.

Carlson would prefer to vote on the changes separately.

Carroll does not want to meander a zoning line around things. As far as the western block, there is an apartment complex on one end leaving only one single family house in the middle that we are trying to protect, so that creates a small pocket of R-2 with R-5 on both sides. He does not believe that is protecting the one single family house. The zoning line should be straight and specific so that we are not targeting address by address. That's why he made the motion to take care of the half block.

Pearson was thinking that Madison should be split out.

Motion to split Motion to Amend #1: Carlson moved to split the question between the Garland properties and the Madison properties, seconded by Taylor and carried 9-0: Carlson, Sunderman, Marvin, Pearson, Carroll, Krieser, Larson, Taylor and Bills-Strand voting yes.

Discussion on Motion to Amend #1a, to exclude the half block between 51st and 49th on north side of Garland from the change of zone request, maintaining the R-5 zoning:

Carlson stated that he will vote against the motion. He would support removing the 3-plex and 7-plex, but he is opposed to putting the existing single family under pressure just to preserve the straight line. The idea that this block face ought to be preserved is based on a philosophy that we do not have, i.e. incompatible uses next to each other, but that situation exists. What we ought to be preserving are the rights of the existing property owners. The Earley property can be removed from the change of zone, but he believes the investments the single family people have made west of the Earley apartments on Garland between 51st and 50th should be respected.

Marvin suggested that the issue here has to do with rebuilding. Carlson's proposal to exclude only the Earley property allows the Earleys to rebuild in the event of a damage. That is why they are here. They are not here because they want their neighbors to all be R-5. They want protections and that is what this would do. He does not see anything philosophical about a straight line either.

Carroll believes they can rebuild but they have to build to the setback requirements of the new zoning.

Marvin believes they can rebuild if they remain R-5. That is what brought them down here today. It isn't the fact that their neighbor wants to be R-2 that brought them down here. They want to be able to rebuild.

Taylor does not want to ignore the wishes of the single family to be changed to R-2 as they have consented to this change of zone. He will vote against the motion.

Motion to Amend #1a to exclude the half block between 51st and 49th on north side of Garland from the change of zone request, maintaining the R-5 zoning failed 4-5: Sunderman, Carroll, Larson and Bills-Strand voting 'yes'; Carlson, Marvin, Pearson, Krieser and Taylor voting 'no'.

Discussion on Motion to Amend #1b, to change the half block on Madison Avenue from R-6 to R-4 (instead of R-2):

Carroll reiterated Hunzeker's point that everything around it is either R-4 or R-6 and there is no R-2 contiguous to it at all.

Pearson pointed out that the owner would agree to R-4. The problem Pearson has with R-4 is that every single little piece of property could be torn down and they could construct a 4-plex. Going from R-2 to R-4 doesn't do anything. You might as well leave it R-6.

Carlson believes that R-4 would typically be duplex only.

Carroll believes that R-4 will protect the existing houses because it will be single family or duplex.

Carlson would prefer to take out the affected property owner because everyone else has signed in support or not objected.

Bills-Strand noted that they look like fairly small lots and the setbacks on R-4 may not allow duplexes unless there was an adjacent property owner with which to join. She is

not sure it does any good to go to R-4.

Carroll noted that two or three of the properties are owned by Wesleyan but they are not here to say they agree to R-2 or R-4. Carlson believes that Wesleyan has clearly indicated their support of the plan.

Czaplewski clarified that the lots are 7200 sq. ft. R-4 requires 5,000 sq. ft. for a duplex. The lots could accommodate single family or duplex under R-4 zoning. If changed to R-2, the duplex would require 10,000 sq. ft., so they would be limited to single family at R-2.

Motion to Amend #1b to change the half block on Madison Avenue from R-6 to R-4 (instead of R-2), failed 4-5: Sunderman, Carroll, Larson and Bills-Strand voting 'yes'; Carlson, Marvin, Pearson, Krieser and Taylor voting 'no'.

Motion to Amend #2: Carlson moved to amend to change the zoning of 5342 Madison from R-6 to R-4 (rather than R-2), seconded by Marvin and carried 5-4: Carlson, Marvin, Pearson, Krieser, and Taylor voting 'yes'; Sunderman, Carroll, Larson and Bills-Strand voting 'no'.

Motion to Amend #3: Carlson moved to amend to exclude the properties at 5036 Garland and 221 N. 51st from the change of zone request, retaining the existing R-5 zoning, seconded by Pearson.

Carlson wants to respect what is there and respect the existing value as opposed to a speculative value over existing value.

Bills-Strand suggested that the property owners knew or should have known the zoning when they purchased their homes, too. They knew they were purchasing in R-5 zoning.

Sunderman commented that he would like to see these properties protected, but if we are going to be doing single properties, why stop there? There are a lot of others that probably deserve the same protection.

Motion to Amend #3 to exclude the properties at 5036 Garland and 221 N. 51st from the change of zone request, retaining the existing R-5 zoning carried 9-0: Carlson, Sunderman, Marvin, Pearson, Carroll, Krieser, Larson, Taylor and Bills-Strand voting 'yes'.

Motion to Amend #4: Bills-Strand moved to exclude 4946 Garland (the other Earley property) from the change of zone request, retaining the existing R-5 zoning, seconded by Carroll.

Marvin noted that the property is 1.5 lots. If they were to tear down and rebuild in R-2 they could build a duplex.

Bills-Strand believes they purchased the property based on the highest and best use.

Motion to Amend #4, excluding 4946 Garland from the change of zone request carried 5-4: Sunderman, Carroll, Larson, Taylor and Bills-Strand voting 'yes'; Carlson, Marvin, Pearson and Krieser voting 'no'.

Discussion on the main motion for approval, with Amendments #2, #3 and #4:

Sunderman noted that this is the third downzoning since he has been on the Commission and this one has been set up the best of them all. We get a little bit better each time we do this and there have been eight in the last three years. Maybe before more of these keep coming forward we need to take a step back and decide how we want to handle this instead of on a case by case by case basis.

Bills-Strand reminded that she has said the same thing over and over again. We need a committee to study the best plan to protect the single family owners and also allow for diversity in the areas.

Carroll agreed. At the last meeting, the Commission discussed the need to start dealing with the nonstandard properties because we have created a lot more nonstandards and we need to do a better job of handling that situation.

Main motion for approval, with three amendments, carried 9-0: Carlson, Sunderman, Marvin, Pearson, Carroll, Krieser, Larson, Taylor and Bills-Strand voting 'yes'.

This is a recommendation to the City Council.

****Break****

Upon returning from break, Commissioner Carroll made a motion that the Planning Department create a committee to study the best way to do downzoning and how to protect the single family owners and also allow for diversity in the areas, seconded by Sunderman.

Carroll commented that after two of these large cases, he believes there is a need to review how it is done. He knows staff does not have time to review everything, but there needs to be a structure of how it should be done in these large areas.

Pearson believes the old way of broad zoning contiguous neighborhoods and our new trend towards smart growth and mixed use are somewhat in conflict and she is hopeful that will be studied as well.

Carlson agreed. There is language in the Comprehensive Plan that talks about more mixed use ideas.

Bills-Strand noted that Greg Schwinn expressed an interest in serving on such a committee when he was on the Commission and she suggested that he be placed on the committee. Motion carried 9-0: Carlson, Sunderman, Marvin, Pearson, Carroll, Krieser, Larson, Taylor and Bills-Strand voting 'yes'.

SPECIAL PERMIT NO. 05014
FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES
FOR CONSUMPTION ON AND OFF THE PREMISES,
ON PROPERTY LOCATED AT 2300 JUDSON STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 30, 2005

Members present: Carlson, Sunderman, Marvin, Pearson, Carroll, Krieser, Larson, Taylor and Bills-Strand.

Staff recommendation: Conditional Approval.

Ex Parte Communications: None.

Proponents

1. **Dave Sutko**, 5210 N.W. 7th Street, testified as the owner of Spikes Volleyball Beach, Bar and Grill, the applicant. He gave a history of the business with two locations in Lincoln used strictly for sand volleyball. He has four courts at the former Prospector and ten courts located at State Fair Park. His intent is to consolidate both of those locations to the 2300 Judson location, adding two courts for a total of 12 outdoor courts and four indoor hard courts to support indoor play, and a roughly 8,000 sq. ft. sports bar restaurant.

Sutko stated that he has recently met with the neighborhood association and distributed the agreement he has reached with the Landon's Neighborhood:

1. Amend the city and state liquor applications to withdraw that portion of the applications that would allow the sale of alcoholic beverages for consumption off the premises.

2. Revise the sound system to reduce the height of the outdoor speakers to an elevation less than the existing 25' height in an effort to reduce sound levels at the property line.
3. Revise the sound system to provide a minimum of three outdoor speaker zones to allow volume levels on unoccupied courts to be lowered independent of occupied courts.
4. Plant "fast growing" trees along the north property line adjacent to the vacant lot that fronts Fairfield Street to reduce sound levels at Spike's north property line.

The applicant agreed to remove off-sale from the special permit.

2. J.D. Burt of Design Associates, also testified on behalf of the applicant and agreed with the conditions of approval, and suggested that Condition #3.1 would need to be modified to remove off-sale from the application. He expressed appreciation to Carol and John Brown for their cooperation and support. Burt discussed the landscaping they would put in place.

3. Carol Brown, 2201 Elba Circle, testified in support on behalf of the Landon's Neighborhood. She expressed appreciation to the applicant for contacting her and negotiating the issues. She agreed with the negotiated items submitted by the applicant. She also requested that the City consider installing a traffic light at 23rd & Cornhusker because this venue is going to generate a lot of traffic. They will be hosting national, regional and state games. There could potentially be 300 participants on these courts at one time. It would only make sense to put the traffic light at 23rd & Cornhusker Highway, and she hopes the city will consider doing that.

Brown further stated that the neighborhood is thrilled about this activity for Lincoln and it will be a good venue for taxes.

There was no testimony in opposition.

Carlson asked Public Works to discuss the traffic signal warrants. Dennis Bartels of Public Works stated that when 23rd Street was built with a subdivision, there were agreements about opening up the median and how to consider signalization. When there is enough traffic to warrant the signal, it will be installed based upon that agreement.

Brian Will of Planning staff suggested that if the Planning Commission proceeds to amend the application to remove the off-premise sales, it will require amendment to Condition #1 and Condition #3.1.

ACTION BY PLANNING COMMISSION:

March 30, 2005

Taylor moved to approve the staff recommendation of conditional approval, with amendment deleting the off-sale from the special permit, seconded by Carlson and carried 9-0: Carlson, Sunderman, Marvin, Pearson, Carroll, Krieser, Larson, Taylor and Bills-Strand voting 'yes'. This is final action, unless appealed to the City Council within 14 days.

ANNEXATION NO. 05003

TO ANNEX PROPERTY GENERALLY

LOCATED NORTH OF "O" STREET

AND NORTHEAST OF COLLEGE PARK ROAD.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 30, 2005

Members present: Carlson, Sunderman, Marvin, Pearson, Carroll, Krieser, Larson, Taylor and Bills-Strand.

Staff recommendation: Approval.

Ex Parte Communications: None.

Proponents

1. **Kent Seacrest** appeared on behalf of **Ridge Development, Southview, Inc. and Meginnis Farm Joint Venture**. He explained that when Waterford Estates was approved recently, he had thought the annexation had been shown through Southeast Community College, but the legal description did not conform. Therefore, this annexation is being brought forward separately and will accompany the Waterford Estates annexation as it moves forward to the City Council. This is the way everyone had agreed to do the annexation rather than going through the acreages. This is in conformance with the Comprehensive Plan, Tier I, Priority A, and Southeast Community College has submitted a letter in support.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

March 30, 2005

Carroll moved approval, seconded by Taylor and carried 9-0: Carlson, Sunderman, Marvin, Pearson, Carroll, Krieser, Larson, Taylor and Bills-Strand voting 'yes'. This is a recommendation to the City Council.

COMPREHENSIVE PLAN AMENDMENT NO. 05002
TO AMEND THE MOBILITY AND TRANSPORTATION
ELEMENT OF THE 2025 LINCOLN-LANCASTER COUNTY
COMPREHENSIVE PLAN, BY UPGRADING EXISTING
US 77 TO FREEWAY STANDARDS FROM INTERSTATE 80
TO THE PLANNED SOUTH BELTWAY INTERCHANGE
SOUTH OF SALTILLO ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 30, 2005

Members present: Carlson, Sunderman, Marvin, Pearson, Carroll, Krieser, Larson, Taylor and Bills-Strand.

Staff recommendation: Approval.

Ex Parte Communications: None.

Proponents

1. Mike Brienzo of Public Works & Utilities presented the proposed Comprehensive Plan Amendment, which has been through the process previously. The only change in the amendment is to add the statement recommended by the MPO Officials Committee which will hopefully increase the comfort level of the County Board which did not pass this amendment. The language recommended by the MPO Officials Committee is as follows:

As part of the US-77/West Beltway project, study for a potential overpass at US-77 and Old Cheney Road, Yankee Hill Road and Rokeby Road. The Study is to be a joint State/County/City feasibility study, including a traffic analysis, a citizen participation element, an appropriate environmental review, and will be started no later than one year prior to the contract letting of the West Bypass freeway upgrade. The study will comply with FHWA procedures for Federal Aid projects and will attempt to maintain an Old Cheney connection for 1st Street.

Carlson expressed appreciation to the County Board for bringing this back. The intent seems to be that the state wants to make this a freeway and control the access, and as part of that process, they want to eliminate some accesses, i.e. Yankee Hill Road, Rokeby Road and Old Cheney Road. Although, it seemed like most of the discussion centered on Old Cheney Road. Brienzo believes that is the primary focus of the County Board's concern; that is, once we close the access to Old Cheney Road, it will not be looked at again. The recommended amendment is that one year prior to the implementation of this project, the three access points that would be proposed for closure would be reviewed one last time for potential overpass consideration.

Carlson is concerned that we are putting language in that creates a situation we did not want to create. He is concerned about putting in a Yankee Hill Road overpass, which was taken out of the Comprehensive Plan previously. He wonders if it needs to be clarified. Brienzo does not see that it is an issue. This has nothing to do with Wilderness Park, only the freeway. This is simply a feasibility study. It is not a major access study. If the Planning Commission is uncomfortable with Yankee Hill Road being included, it can be stricken; however, the intent was to leave the language intact as much as possible so as not to change what was done at the Officials Committee and what was proposed by the County Board.

Carlson wondered whether an overpass could actually be built at Yankee Hill Road. Brienzo acknowledged that the environmental impacts would be beyond what would be feasible. The proposed amendment language was intended to address all of the closures in one statement. That was the only intent. The “overpass” is very specific language to the Department of Roads that would not preclude any type of interchange. It precludes any location of access to the freeway. It was not intended to address any local or environmental issues.

2. David Cary of Planning staff offered that one of the reasons the language is as it is in the amendment is that it carries forward the language that already existed which refers to the access closures. The same language is being recommended to be carried forward to be consistent.

Carlson would prefer to refer only to “access closure” for Yankee Hill Road and Rokeby Road. Brienzo would not be comfortable changing it in that way. He would agree to strike Yankee Hill Road only. The overpass dialog is very important to the County.

Marvin does not see where the Yankee Hill Road overpass takes you anywhere. It takes you into the park at Yankee Hill. So why would you study something that you could not do? Brienzo again agreed to delete Yankee Hill Road. The language was included in the amendment because of the three closures. This was generic language to serve all three of those closures. It was not intended to go beyond that. Cary added that the reason there was consistent identification on the map “for study” was because it was being consistent for all three closures. Brienzo also added that if there would be anything added to the plan it would have to come back through the process. This only refers to a “study”.

Pearson asked for further clarification on the timing of the study, which it states would be started no later than one year prior to the contract letting of the upgrade. Brienzo explained that “contract letting” and “construction start” are the same. Pearson assumes that funding for a road project has to be approved years in advance, so what is one year going to offer anyone? Brienzo clarified that the study would not provide funding for an overpass. This would be a study to see whether it is feasible. If it is feasible, then the funding would have to be addressed. Cary offered that because some of this project may be far out into the future, there may be significant land use along Hwy 77 in the meantime, and there was concern that

we will need to look at some of the impacts of new development and changes when we get closer to projects and implementation. Brienzo also clarified that the Department of Roads intends to implement this one step at a time. They will start at Pine Lake and work south. It is anticipated that Old Cheney will be part of the detour when Warlick is rebuilt. It is not in the current 6-year program.

Bills-Strand recalled that the language directly related to doing a study of Yankee Hill Road was deleted from the Comprehensive Plan; however, there was specific language put into the Plan to “.....explore options for promoting the maximum utilization by local traffic of the west, south and east beltways, Interstate 80 and major urbanfringe arterials in order to minimize the impact of future traffic growth on existing interior roadways.” We don’t want to close off southwest Lincoln and this is trying to find options of overpasses to keep southwest Lincoln connected. Brienzo reiterated that this has nothing to do with the Wilderness Park issue. We are not talking about closing anything off. This is simply designating US Hwy 77 as a freeway.

Opposition

1. Mary Roseberry-Brown, testified on behalf of the **Friends of Wilderness Park**, with concern about the timing of “one year prior to contract letting”. If it is already in the budget it seems like it is already in the plan to do it. This was already in the Comprehensive Plan as a beltway arterial study. Is this the same study? If it is a separate study, then it does not make very good economic sense. How much is it going to cost? Wilderness Park is important to the city as a refuge and floodplain storage. To straighten and channelize Salt Creek would destroy all of the aspects of Wilderness Park. There would be no money available from the federal government. There have already been four studies done showing the ineffectiveness of putting a road over or through Wilderness Park. If it is two separate studies, Roseberry-Brown requested that Yankee Hill Road and Rokeby Road be deleted because previous studies have shown lack of feasibility. If Yankee Hill Road and Rokeby Road are not deleted from the study, then she would request other alternatives similar to what was done in October of 2000, where the City Council responded to concerns about Wilderness Park being crossed by a road, when Jeff Fortenberry amended the Comprehensive Plan, “....if necessitated, the proposed needs analysis study for potential roadway crossing of Wilderness Park shall give special consideration to the unique environmental character of the park and previous planning efforts that have occurred for that area.” In other words, it required an environmental study. There would need to be an environmental impact statement done in relation to going over Wilderness Park with an overpass if Yankee Hill Road is not deleted from the study at this time.

Bills-Strand recalled that one of the concerns of the County Board was allowing farmers access to be able to haul grain without difficulty. Brienzo concurred that to be part of the discussion. Their primary concern was as the urban area develops on the west side of US 77, will this preclude interaction or become a barrier if it is closed? The current transportation

study said that no, it would not be a major issue; that the use of Warlick Boulevard and the Warlick Interchange would facilitate any traffic back and forth. What happens if things change a lot and we do find that it is feasible? If those changes are dramatic enough to warrant an overpass, then that is what would be promoted. We need a feasibility study to see if we want to go in that direction.

Bills-Strand inquired whether an environmental impact study is done as a part of that study. Brienzo stated that if we are touching a park, it would be required to do an environmental impact study.

Carroll inquired as to the trigger mechanism to start the study. Brienzo indicated that a trigger has not been developed. It would be triggered when it is included in the state improvement program. If they begin to program the dollars for the project and there is a contract developed, we would not be able to move forward without this study taking place. It is a city, county and state joint project. Any of the three entities could call for the study. As far as cost to the City, Brienzo advised that the state has volunteered to fund the study.

ACTION BY PLANNING COMMISSION:

March 30, 2005

Carlson moved approval, with amendment deleting references to Yankee Hill Road and Rokeby Road overpasses, seconded by Pearson.

Carlson believes everyone is in agreement on what we want to be done, i.e. we want the west bypass to be upgraded, we want to disconnect the interchanges at Rokeby, Old Cheney and Yankee Hill and look at the potential for an overpass at Old Cheney Road. He is not sure the language is clear, but creates confusion. Old Cheney is the one in which the County Board was interested. If we leave in the Yankee Hill Road overpass, he believes it creates ambiguity. He does not want to put Yankee Hill Road back in. Since that is not the intention, he believes the Yankee Hill Road needs to be deleted.

Brienzo thought the issue was only Yankee Hill Road. He does not expect anything to happen that far south to Rokeby Road, but it does have access east and west and he does not see why we wouldn't want to take another fresh look when we get there.

Carlson modified his motion to delete only the reference to the Yankee Hill Road overpass, seconded by Pearson.

Bills-Strand likes to leave all of the options open and there is such a problem at 14th and Old Cheney Road right now. Maybe that isn't the best choice for the overpass. Maybe it is a little bit different situation someplace else. Because we realize we already have a real problem at 14th and Old Cheney and Warlick, we may need to look at other options for safety issues for the people that live in southwest Lincoln.

Larson agreed. As we urbanize southwest Lincoln west of Hwy 77, there is going to be the need for a lot of traffic east and west. We need to leave all options in place.

Carlson noted again that there is already language in the Comprehensive Plan to explore the options. He is concerned about putting a star back on the map that calls for a study that was taken out in 2002.

Taylor disagrees in terms of all options. He wants the Wilderness Park issue laid to rest by removing the Yankee Hill overpass reference.

Marvin does not see the point in studying Yankee Hill because there is no road there. He understands Old Cheney.

Pearson commented that while the study may be paid by the state, we are taxpayers to the state of Nebraska and we will be paying for it one way or another. She does not believe we need to study the issue again.

Motion to approve, with amendment deleting all references to a Yankee Hill Road overpass, carried 6-3: Carlson, Marvin, Pearson, Carroll, Krieser and Taylor voting 'yes'; Sunderman, Larson and Bills-Strand voting 'no'. This is a recommendation to the City Council and the County Board.

WAIVER NO. 05003
FOR AN EXTENSION OF TIME FOR THE
INSTALLATION OF SIDEWALKS,
LANDSCAPE SCREENING, STREETS TREES
AND ORNAMENTAL LIGHTING,
ON PROPERTY GENERALLY LOCATED
AT S. 70TH STREET AND VAN DORN STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 30, 2005

Members present: Carlson, Sunderman, Marvin, Pearson, Carroll, Krieser, Larson, Taylor and Bills-Strand.

Staff recommendation: Approval of the waiver of the requirements for sidewalks abutting Lots 4 and 5; denial of the waiver of the requirements for street trees, landscape screen and ornamental lighting.

Ex Parte Communications: None.

Proponents

1. Geanine Bordogna, the present developer and applicant, gave a history of subject area. It was originally platted 29 years ago and it has been replatted four times since. As the present developer she has tried to please the past homeowners. She did not develop 23 of the original homes. She only built five on the south side of the street. The association was split into two and she is now developing in Park Place Estates North. She has tried and is still trying to please the present homeowners. There are no sidewalks in the whole development except along the street, so the homeowners are objecting and they do not want to pay for it and maintain it. She is actually requesting to eliminate the sidewalk. The only reason she is asking to waive the street trees is because her lots are very different. There is room to park only one car in the front and she does not know what the elevation of the homes will be. She builds 3-bedroom homes with two of the bedrooms downstairs and a family room, so the elevation is changed. She is also asking not to put in the street trees or screening because of the elevation.

With regard to ornamental lighting, Bordogna advised that all of the lighting is in on Park Place Drive. There are only two street lights that are not installed and the homeowners do not want that lighting.

Opposition

1. Jeanette Miller, 2955 Park Place Drive, on the south side of Park Place, testified as President of the Park Place South Homeowners Association, with 26 townhomes. They are in opposition to the extension or waiver of the requirements. They would like to see the area have the trees put in to make it a more pleasant surrounding in hopes of attracting people to the area. They want the trees and screening because of the medical buildings to the east and north. This was to have been done in November of 2001. Sixty-two percent of the homeowners are opposed to allowing an extension on the landscaping, the street trees or ornamental lighting, but are in favor of the extension for the sidewalks. The townhome owners do not want the street light on Holmes Court, so they would like to see that waived.

Tom Cajka of Planning staff clarified that this application does not include the Holmes Court street light. This request for extension of time only applies to the 5th Addition which is Park Place Court and mainly the lots on the north side of Park Place Drive. There was one street light required in Park Place Court and that is the light referred to in the staff report.

Response by the Applicant

Bordogna thinks there is a misunderstanding about the trees. She has installed screening trees, but they were not a requirement. She has put them there because she chose to do so.

ACTION BY PLANNING COMMISSION:

March 30, 2005

Taylor moved approval of the staff recommendation as set forth in the staff report, seconded by Carroll and carried 9-0: Carlson, Sunderman, Marvin, Pearson, Carroll, Krieser, Larson, Taylor and Bills-Strand voting 'yes'. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 04034
FROM AGR AGRICULTURAL RESIDENTIAL
TO R-3 RESIDENTIAL, ON PROPERTY
GENERALLY LOCATED AT
S. 66TH STREET AND HIGHWAY 2.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 30, 2005

Members present: Carlson, Sunderman, Pearson, Carroll, Krieser, Larson, Taylor and Bills-Strand (Marvin absent).

Staff recommendation: Approval.

Ex Parte Communications: None.

The Clerk announced that Mark Hunzeker has requested the Planning Commission place this application on indefinite pending.

Sunderman moved to place on pending at the applicant's request, seconded by Pearson and carried 8-0: Carlson, Sunderman, Pearson, Carroll, Krieser, Larson, Taylor and Bills-Strand voting 'yes' (Marvin absent).

There was no public testimony.

COUNTY SPECIAL PERMIT NO. 04055,
FOUR STONES COMMUNITY UNIT PLAN;
and
COUNTY PRELIMINARY PLAT NO. 04025,
FOUR STONE,
ON PROPERTY GENERALLY LOCATED
AT S.W. 29TH STREET AND STAGECOACH ROAD.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 30, 2005

Members present: Carlson, Sunderman, Pearson, Carroll, Krieser, Larson, Taylor and Bills-Strand (Marvin absent).

Staff recommendation: Conditional Approval.

Ex Parte Communications: None.

The Clerk announced that the applicant has requested an additional deferral until April 27, 2005.

Carroll moved to defer, with continued public hearing and action on April 27, 2005, seconded by Krieser and carried 8-0: Carlson, Sunderman, Pearson, Carroll, Krieser, Larson, Taylor and Bills-Strand voting 'yes' (Marvin absent).

There was no public testimony.

SPECIAL PERMIT NO. 05008,
WEST VAN DORN HEIGHTS COMMUNITY UNIT PLAN,
ON PROPERTY GENERALLY LOCATED AT
S.W. 70TH STREET AND WEST VAN DORN STREET.
CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: March 30, 2005

Members present: Carlson, Sunderman, Pearson, Carroll, Krieser, Larson, Taylor and Bills-Strand (Marvin absent).

Staff recommendation: Conditional Approval, as amended by the City Law Department.

Ex Parte Communications: None.

The Clerk announced that the applicant has requested a two-week deferral.

Carroll moved deferral for two weeks, with continued public hearing and action on April 13, 2005, seconded by Pearson and carried 8-0: Carlson, Sunderman, Pearson, Carroll, Krieser, Larson, Taylor and Bills-Strand voting 'yes' (Marvin absent).

There was no public testimony.

There being no further business, the meeting was adjourned at 4:00 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on April 13, 2005.